

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAVID E. JONES d/b/a)
CROOKED STIRRUPS.COM)
)
V.) 3-04-CV-2438-G
)
RICHARD TRENT CARRILLO)

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pursuant to the District Court's Order and Default Judgment filed on December 28, 2004, which in pertinent part directed the Magistrate Judge to conduct a hearing to determine the amount of Plaintiff's damages and claims for interest, cost and attorney's fees and the order of the Magistrate Judge filed on September 21, 2005, setting a hearing to receive evidence on Plaintiff's claim,

On October 12, 2005, the hearing was conducted at which Plaintiff appeared through counsel and presented evidence consisting of the declarations of Plaintiff dated August 17, 2005 and October 11, 2005, the declaration of George R. Schultz dated August 17, 2005, with attached exhibits, See Plaintiff's Appendix filed on August 17, 2005. Although duly noticed of the hearing, Defendant Richard Trent Carrillo failed to appear in person or through counsel.

Having considered the evidence presented, the Magistrate Judge finds and recommends that the District Court enter its final judgment awarding the following monetary damages, interest and attorney's fees to Plaintiff David E. Jones:

- | | |
|--|---------------|
| 1. Lost profits (\$165,000.00 Trebled -
<u>(See Order and Default Judgment at page 2)</u> | \$ 495,000.00 |
| 2. Pre-judgment interest at 5% per annum | 1,062.33 |

3. Post-judgment interest accrued since December 28, 2004	10,419.89
4. Attorney's fees and costs	<u>27,111.50</u>
Total	\$533,593.72

SIGNED this 17th day of October, 2005.



UNITED STATES MAGISTRATE JUDGE

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a de novo determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.